

## THIRTY-NINTH DAY

(Monday, March 18, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Parkhouse

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 14, 1957, was dispensed with and the Journal was approved.

## Leaves of Absence

Senator Parkhouse was granted leave of absence for today on account of illness on motion of Senator Fuller.

## Senate Resolution 236

Senator Secrest offered the following resolution:

Whereas, On March 15, 1957, William Thomas Haskel Stubblefield celebrated his 100th birthday; and

Whereas, Mr. "Stubb," as he is affectionately called by his many friends, has attained this age and is still active and very much interested in the affairs of his community, the country as a whole, and of the whole world; and

Whereas, The people of Belton and the surrounding country have joined in celebrating the birthday of this beloved citizen; and

Whereas, He was born on a plan-

tation in Viola, Tennessee, but with his wife, Mary Catherine Stout Stubblefield, and daughter, Ruby, came to Texas and to Belton in 1890 to become an executive of the Belton Oil Mill Company, and who has been for many years a blackland farmer of the Three Forks community; and

Whereas, His children, Mrs. Frank Crum, Mrs. Roy Giles, Mrs. C. F. McDonald, Mrs. Kathryn Morrow, and Mr. Haskel Stubblefield, have all gathered to celebrate with their father this momentous occasion; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we express our heartiest congratulations to Mr. Stubblefield on having become a centennarian citizen; and, be it further

Resolved, That a copy of this resolution be sent to Mr. Stubblefield and to his five children under the official seal of the Senate of the State of Texas.

The resolution was read and was adopted.

## Reports of Standing Committees

Senator Kazen submitted the following report:

Austin, Texas,  
March 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 342, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Owen submitted the following reports:

Austin, Texas,  
March 13, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 372, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

OWEN, Chairman.

Austin, Texas,  
March 13, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to whom was referred S. B. No. 403, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

OWEN, Chairman.

#### Senate Bill 406 on First Reading

Senator Fuller moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

#### Parkhouse

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Fuller:

S. B. No. 406, A bill to be entitled "An Act amending Article 1188 and Article 1191 of the Revised Civil Statutes of Texas, 1925, to permit consolidation of adjoining and contiguous cities and towns; defining the term "Consolidation"; providing for the qualification of Electors; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Senate Bill 407 on First Reading

Senator Krueger moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

#### Parkhouse

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Krueger:

S. B. No. 407, A bill to be entitled "An Act to amend the subject matter embraced in Section 4 of the Act, as amended, (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended), prescribing benefit eligibility conditions by providing for a waiting period week in addition to the eligibility conditions presently prescribed; providing an effective date of this Act; providing for the repeal of all laws and parts of laws in conflict herewith; providing for the separability of provisions; and declaring an emergency."

To the Committee on State Affairs.

#### Senate Bill 408 on First Reading

Senator Reagan moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Colson
Ashley	Fly
Bracewell	Fuller
Bradshaw	Gonzalez

Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Lock	Smith
Martin	Weinert
Moffett	Willis
Moore	Wood
Owen	

Nays—1

Hardeman

Absent—Excused

Parkhouse

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Reagan:

S. B. No. 408, A bill to be entitled "An Act making an appropriation to pay the principal of a certain judgment obtained against the State of Texas in Cause No. 106,439, styled Southern Community Gas Company vs. The State of Texas in the 98th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; and declaring an emergency."

To the Committee on Finance.

Senate Bill 409 on First Reading

Senator Fly moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Parkhouse

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Fly, Moffett and Hardeman:

S. B. No. 409, A bill to be entitled "An Act authorizing the State Building Commission to locate, construct and equip a building for the State Library and State archives; providing funds and making appropriation therefor; making other provisions in regard thereto; repealing or suspending all laws and parts of laws in conflict; and declaring an emergency."

To the Committee on Finance.

Senate Bill 410 on First Reading

Senator Rogers moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Parkhouse

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Rogers:

S. B. No. 410, A bill to be entitled "An Act concerning narcotics, amending Acts of the 45th Legislature, Regular Session, 1937, Chapter 169, Section 1, Subsection (14), defining all parts of the plant of the genus Lophophora, commonly known as peyote or

mescal and all derivatives of such plant as a narcotic drug, and declaring an emergency."

To the Committee on State Affairs.

**Senate Concurrent Resolution 44  
on First Reading**

Senator Lock moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

**Parkhouse**

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 44, Granting Hoy H. Byley permission to sue the State of Texas.

Whereas, Hoy H. Byley, a resident of Sabine County, Texas, alleges that on January 16, 1956, while working under the direction of the State Highway Department and assisting said State Department in the construction of a road detour to be used in conjunction with the construction of a State Farm-to-Market Road, the said Hoy H. Byley was injured when a State Highway Road Maintainer, operated by a state employee, backed over the said Hoy H. Byley, crushing the knee of one leg and causing the loss of the other leg, and

Whereas, Hoy H. Byley, desires to institute suit against the State of Texas for damages suffered by him as a result of said injuries inflicted upon him, now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Hoy H. Byley is hereby given permission to sue the State of Texas in any court of competent jurisdiction. In case such suit is filed, service of citation or any other necessary process shall be made upon the Attorney General of the State of Texas. Either of the parties to the suit shall have the right of appeal, as in other civil cases, and be it further

Resolved, That the sole purpose of this Resolution is to grant to the aforesaid Hoy H. Byley permission to bring suit against the State of Texas and/or its Highway Department, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which he seeks to recover must be proved in court as in other civil cases.

To the Committee on Jurisprudence.

**Senate Concurrent Resolution 45  
on First Reading**

Senator Reagan moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

**Parkhouse**

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 45, Granting Marguerite Horton Boscamp permission to sue the State of Texas.

Whereas, Marguerite Horton Boscamp, a resident of Corpus Christi, Nueces County, Texas, is the owner of the following described real property situated in Nueces County, Texas, to-wit:

All of that portion lying East of the San Antonio and Aransas Pass Railroad right of way of Lots No. One (1), Three (3), Five (5) and Seven (7) in Block No. Forty (40) of RINCON or BROOKLYN ADDITION to the City of Corpus Christi, Texas as shown by the map or plat thereof, recorded in Volume "A," page 32, Map Records of Nueces County, Texas; said Lot No. Seven (7) being also described as Lot No. 105, in Block No. 40 of Corpus Beach Hotel Addition to Corpus Christi, Texas, as shown on plat of record in Volume 1, page 51, Map Records of Nueces County, Texas, to which mentioned maps reference is here made for all pertinent purposes, together with all improvements thereon, and all furniture, fixtures, furnishings and equipment in said improvements.

Whereas, There is located upon said above described real estate a tourist court, consisting of 72 rental units, which said tourist court has been and is now known as "Deluxe Apartments" located at 3109 North Water Street, Corpus Christi, Texas and which is near and in close proximity to the north approach to a high level bridge across the Corpus Christi Channel, now under construction; and

Whereas, The State of Texas has purchased and now owns the right of way being used for such north approach to said high level bridge which is near and in close proximity to the land herein above described owned by the said Marguerite Horton Boscamp; and

Whereas, The State of Texas, acting through the Highway Commission of Texas, is now engaged in constructing upon said real estate so conveyed to it the necessary works for the north approach to a high level bridge across the Corpus Christi Ship Channel; and

Whereas, The said Marguerite Horton Boscamp, alleges that said construction of such north approach to such high level bridge, as well as the maintenance thereof, has damaged and will continue to damage the above described tourist court belonging to the said Marguerite Horton Boscamp, within the meaning and in-

tent of Article 1, Section 17, of the Constitution of Texas; and

Whereas, The said Marguerite Horton Boscamp, desires to institute suit against the State of Texas, and its Highway Department, for all damages accrued and to accrue to them; now, therefore, be it

Resolved, That the consent of the Legislature of the State of Texas is hereby given to Marguerite Horton Boscamp, to bring suit against the State of Texas, and its Highway Department, in a Court of competent jurisdiction for trespass to try title, title, possession, and any and all damages accrued and to accrue, or for any action or actions as may be necessary to protect the alleged rights of Marguerite Horton Boscamp, within the premises; and in the event suit is filed, service of citation or any other necessary process shall be upon the Chairman of the Texas Highway Commission and the Attorney General of Texas, and either of the parties to the suit shall have the right of appeal as in other civil cases; and be it further

Resolved, That the sole purpose of this Resolution is to grant permission to the aforesaid Marguerite Horton Boscamp, to bring suit against the State of Texas and/or its Highway Department, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases; and

Resolved, That the facts stated above create an emergency and an imperative public necessity that the Constitutional Rules requiring resolutions to be read on three several days in each House be suspended, and this Resolution shall take effect from and after its passage.

To the Committee on Jurisprudence.

#### Senate Resolution 240

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 74 students of the Civics Senior Class of Floresville High School of Floresville, Texas, accompanied by their teacher Mrs. Hattie S. Fuller and eight sponsors; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students, Mrs. Fuller and sponsors to Members of the Senate.

#### Senate Bill 32 on Second Reading

The President laid before the Senate as unfinished business S. B. No. 32 on its second reading and passage to engrossment (The bill having been read the second time on Tuesday, March 12, 1957).

Question—Shall S. B. No. 32 be passed to engrossment?

Senator Kazen offered the following amendment to the bill:

Amend S. B. 32 by adding a new sub-section (E) to Section 9 to read as follows:

(E) be labelled "cold storage eggs" if the eggs offered for sale therein have been held under refrigeration for a period of thirty (30) days or more.

The amendment was adopted.

Senator Willis offered the following amendment to the bill:

Amend Senate Bill No. 32 by striking out sub-section (c) of Section 3.

The amendment failed of adoption.

On motion of Senator Rogers and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 32 on Third Reading

Senator Rogers moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Ashley	Moffett
Colson	Moore
Fuller	Owen
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Wood

Nays—3

Bracewell	Willis
Bradshaw	

Absent

Fly

Absent—Excused

Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Bill Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled bill:

S. B. No. 257, A bill to be entitled "An Act amending Section 8 of Article I, Chapter 467, Acts of the 44th Legislature, Second Called Session, 1935 (codified as Article 666-8 of Vernon's Texas Penal Code), pertaining to liquor imports; amending Sub-section (4) of Section 23a of Article I, Chapter 467, Acts of the 44th Legislature, Second Called Session, 1935, added by Section 31 of Chapter 448, Acts of the 45th Legislature, Regular Session, 1937 (codified as Article 666-23a(4) of Vernon's Texas Penal Code), pertaining to liquor imports; repealing laws in conflict; and declaring an emergency."

#### Senate Bill 287 on Second Reading

On motion of Senator Willis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on

its second reading and passage to engrossment:

S. B. No. 287, A bill to be entitled "An Act amending the Workmen's Compensation Law of the State of Texas by amending the definition of 'average weekly wages' in Section 1 of Article 8309, Revised Civil Statutes, as amended, to provide a new method of computing the average weekly wage of an injured employee; and by amending Sections 8, 10, 11 and 12 of Article 8306, Revised Civil Statutes, as amended, to increase the maximum weekly rate of compensation to \$30.00; repealing conflicting laws; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 287 on Third Reading**

Senator Willis moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 287 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Fly

Absent—Excused

Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Bracewell
Ashley	Bradshaw

Colson	Moore
Fuller	Owen
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Willis
Martin	Wood
Moffett	

Absent

Fly

Absent—Excused

Parkhouse

**Committee Substitute Senate Bill 150 on Second Reading**

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 150, A bill to be entitled "An Act giving preference to supplies, material or equipment produced or offered by Texas citizens in contracts made by agencies of the State for the purchase of supplies, material or equipment; providing the provisions of this Act shall be cumulative; and declaring an emergency."

The bill was read second time.

Senator Lock offered the following amendment to the bill:

Amend Senate Bill 150 by inserting between the words "produced" "and or" in line 23 the words "in Texas."

The amendment was adopted.

The bill as amended was passed to engrossment.

**Committee Substitute Senate Bill 150 on Third Reading**

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Committee Substitute Senate Bill No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Absent—Excused

Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill 220 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 220, A bill to be entitled "An Act authorizing the County Board of School Trustees of each county to contract with the State Department of Public Welfare for coverage of certain persons under the provisions of the Old Age and Survivors Insurance Program of the Federal Social Security Act; defining the authority of the County Board of School Trustees to enter into such contracts; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 220 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 220 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Ashley
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Bracewell	Martin
Bradshaw	Moffett
Colson	Moore
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

## Nays—1

Owen

## Absent—Excused

Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Nays—1

Owen

## Absent—Excused

Parkhouse

## Committee Substitute Senate Joint Resolution 6 on Second Reading

On motion of Senator Fuller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. J. R. No. 6, Proposing an amendment to the Constitution of Texas so as to authorize the Legislature to provide retirement benefits



for the elected and appointed county and precinct officials of this State; providing that this amendment shall be cumulative of all Constitutional Amendments on retirement and Social Security benefits; providing for the necessary election, form of ballot, proclamation and publication.

The resolution was read second time and passed to engrossment.

**Committee Substitute Senate Joint Resolution 6 on Third Reading**

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that C. S. S. J. R. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—2**

Hardeman	Owen
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**Absent—Excused**

Parkhouse

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

**Yeas—23**

Aikin	Lane
Ashley	Lock
Colson	Moffett
Fly	Moore
Fuller	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Rogers
Kazen	Secrest
Krueger	Smith

Weinert	Wood
Willis	

**Nays—7**

Bracewell	Martin
Bradshaw	Owen
Hardeman	Roberts
Hudson	

**Absent—Excused**

Parkhouse

**Senate Bill 131 on Second Reading**

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 131, A bill to be entitled "An Act requiring the preparation and publication of an annual financial statement for each school district, junior college district, soil conservation district, road district, or any district organized under Section 52 of Article III or Section 59 of Article XVI of the Constitution of Texas; repealing conflicting laws; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 131 on Third Reading**

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 131 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

**Nays—1**

Gonzalez

## Absent—Excused

## Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill 289 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 289, A bill to be entitled "An Act Creating "Plum Creek Conservation District" under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; etc., and declaring an emergency."

The bill was read second time.

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 289, Section 4, beginning on line No. 38, through line No. 65, so as to hereafter read as follows:

"Section 4. Governing Body of District. The management and control of the District is hereby vested in a board of six (6) directors. Of this number four (4) directors shall be resident qualified electors owning taxable property within the area of the District and also Caldwell County, Texas; and, two (2) directors shall be resident qualified electors owning taxable property within the area of the District and also Hays County, Texas. Said Board of Directors shall have all the powers, authority and duties conferred and imposed upon boards of directors of water control and improvement districts organized under General Law. The Commissioners' Court of Caldwell County, Texas, is hereby authorized to appoint the four members from Caldwell County; and, the Commissioners' Court of Hays County, Texas, is hereby authorized to appoint the two members from Hays County. The four (4) directors appointed by the Commissioners' Court of Caldwell County shall reside as follows: One (1) in the City of Luling; One (1) in the City of Lockhart; and two (2) within

the District and Caldwell County, but not in the City of Luling or the City of Lockhart. Two (2) of said directors shall be appointed for a term expiring January 1, 1959; and, two (2) of said directors for a term expiring January 1, 1961, within the discretion of the Commissioners' Court. The two (2) directors appointed by the Commissioners' Court of Hays County shall reside as follows: One (1) in the City of Kyle, and one (1) within the District and Hays County, but not in the City of Kyle. One of said directors shall be appointed for a term expiring January 1, 1959, and one (1)."

The amendment was adopted.

On motion of Senator Weinert and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

## Senate Bill 289 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Absent—Excused

## Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Parkhouse

(Senator Kazen in the Chair.)

Senate Bill 194 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 194, A bill to be entitled "An Act prohibiting any person employed as a private or confidential investigator from determining or attempting to determine the attendance or number of paid admissions at any motion picture or theater without first displaying to the owner or manager of such theater his license, credentials or authority as such investigator; making other provisions relating thereto; providing penalties; providing a repealing clause; providing a severability clause and declaring an emergency."

The bill was read second time.

Senator Smith offered the following Committee Amendment to the bill:

Amend Senate Bill No. 194 by striking out all of Section 1 and reinserting in lieu thereof the following:

"Section 1. No person employed as a private or confidential investigator shall determine or attempt to determine, by any means whatsoever, the attendance or number of paid admissions to any performance of any motion picture show or theater, hereinafter referred to as theater or theaters, without first displaying to the owner or manager of such theater his

license, credentials or authority as such investigator. Provided, however, in the case of two or more theaters being owned or under the manager of one person, firm or corporation, such investigator must display his license, credentials, or authority to such person or to the management of such company and not to the manager of the individual theaters. Such investigator must furnish to the owner or management of such theater or theaters a true copy of any report he may make within three days after making such investigation. In the event that such report is not prepared within three days, then such a copy must be furnished to such owner or manager within three days after such report was prepared and the date on which it was prepared shall be noted on such copy."

The Committee Amendment was adopted.

Senator Smith offered the following Committee Amendment to the bill:

Amend Section 2 of Senate Bill No. 194 by inserting the following after the word "or" and before the word "admission" in the second line thereof:

"number of paid"

The Committee Amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill 194 by adding after Section 1, Section 1A, to be and read as follows:

"Sec. 1A. No person shall wilfully make, or cause to be made, a false statement in writing to any other person as to the attendance or number of paid admissions at any motion picture or theater during any specified period."

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill 194 by adding after Section 1A, Sec. 1-2A to be and read as follows:

"Sec. 1-2A. Upon request by such investigator, showing or having shown the right of his principal to have such information, the owner of any movie theater shall advise said investigator, in writing and under oath duly administered, the total attend-

ance and total admission price paid, for any day. The request may be made orally or by mail and said sworn report of attendance shall be furnished said investigator within three days after the day for which attendance and admissions are reported."

The amendment was adopted.

On motion of Senator Lane and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 194 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 194 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Nays—2

Fly	Roberts
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Absent

Hudson

Absent—Excused

Parkhouse

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in the Chair.)

#### Senate Bill 42 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 42, A bill to be entitled "An Act changing the name of the Texas Prison System to the Texas Department of Corrections, the name of the Texas Prison Board to the Texas Board of Corrections, and the title of General Manager of the Texas Prison System to Director of Corrections; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 42 on Third Reading

Senator Colson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Nays—4

Hardeman	Martin
Hazlewood	Weinert

Absent—Excused

Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 42.

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
March 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 28, Granting Upham permission to sue the State of Texas with committee amendment.

S. C. R. No. 42, Relating to Rice Week March 10-16.

S. C. R. No. 43, A resolution endorsing the objectives of the Loyalty Day Program of the Veterans of Foreign Wars.

The House refused to concur in Senate amendments to H. J. R. No. 3 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, by viva voce vote.

The House refused to concur in Senate amendments to House Bill No. 161 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following Conference Committee on H. B. No. 161: Saul, Sadler, Shaw, de la Garza, Woolsey.

House has appointed the following Conference Committee on H. J. R. No. 3: Saul, Sadler, Shaw, de la Garza, Woolsey.

The House concurred in Senate amendments to H. B. No. 7 by a vote of 138 ayes, and 2 noes.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

**Senate Bill 95 on Second Reading**

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 95, A bill to be entitled "An Act to authorize and provide for

professional unit allocations for Foundation School Program Act and Fund purposes, determinable on a sparse area formula approved by the State Board of Education applicable to any school district containing one hundred (100) square miles or more and having fewer than one (1) pupil per square mile and which operates and maintains a four-year accredited high school; requiring certain considerations by the State Commissioner of Education; providing the beginning effective date of this Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 95 on Third Reading**

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Ajkin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Parkhouse

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Adjournment**

On motion of Senator Ajkin the Senate at 12:08 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**In Memory of**

**James B. Parr**

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Senator Willis offered the following resolution:

(Senate Resolution 237)

Whereas, On 9 March, 1957, in the death of Mr. James B. Parr, Tarrant County lost an able and respected member of the community; and

Whereas, Mr. Parr, a native of Van Zandt County, came to Tarrant County in 1916, and was active in the well supply business for thirty years, and was a member and former Chairman of the Board of Stewards of the Handley Methodist Church, and was a Past President of the Handley Lions Club; and

Whereas, Mr. Parr was very active in community affairs, and for outstanding service in 1950 was awarded a lifetime membership in the Fort Worth Chamber of Commerce. He contributed long and sincere service in civic and religious affairs to his city and State; now, therefore, be it

Resolved, That the sympathy of the Senate be extended to the family; that copies of this resolution be sent to his wife, Mrs. James B. Parr; to his two sons, Charles Parr of New York, and Raymond Parr of Fort Worth; to his two daughters, Mrs. Bob Kooch of Omaha, Nebraska, and Mrs. Gail Devore of Fort Worth; and to his three brothers, Jack Parr of Fort Worth, Donald Parr of Kosse, and Porter Parr of Lubbock; to his two sisters, Mrs. John Gunn of Houston, and Mrs. Finis Trull of Slaton; and to his eight grandchildren; and be it further

Resolved, That when the Senate adjourns today it do so in honor and in memory of Mr. James B. Parr.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**Honorable Lonnie C. Fuller**

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Senator Roberts offered the following resolution:

(Senate Resolution 238)

Whereas, God, in His wisdom, saw fit to take Honorable Lonnie C. Fuller from this earth on the morning of Thursday, December 8, 1955; and

Whereas, The passing of Lonnie C. Fuller is a great blow to his many friends throughout the State of Texas and the Nation; and that the City of Denison and the County of Grayson, the City of Bonham, and Fannin County, as well as the entire State of Texas and the United States of America, have each lost one of its most worthy and public spirited citizens in the passing of Lonnie C. Fuller of Denison, a native of Bonham; and

Whereas, Lonnie C. Fuller was born at Bonham, Texas, January 28, 1894, a son of Guy W. Fuller, educated at the University of Texas where he received a law degree, and was married to Miss Amelia Smith of Austin, Texas, on January 24, 1917; and

Whereas, Lonnie C. Fuller was associated with the State and National Park Service for more than 20 years in important capacities, serving as CCC Camp Superintendent at Bonham State Park and Gonzales State Park, as well as Regional Recreation Supervisor for the National Park Service at Austin, Texas, and Santa Fe, New Mexico, and was later appointed by Governor Beauford Jester as a member of the Texas State Parks Board and reappointed by Governor Allan Shivers for a second term, serving four years as Vice-Chairman of the Texas State Parks Board, after declining the Chairmanship; and

Whereas, The Senate of Texas takes note of the fact that Lonnie C. Fuller had served in many other civic capacities and that he was never called upon for a civic or charitable duty or contribution that he did not respond fully, freely and graciously; now, therefore, be it

Resolved, unanimously by the Senate of Texas, That Lonnie C. Fuller's work with the National Park Service and as a member of the Texas State Parks Board was outstanding and that his participation, advice, and counsel as a member of the Texas State Parks Board will be sorely missed; and be it further

Resolved, that the Senate fully recognizes the fact that Lonnie C. Fuller was widely respected and enjoyed a special place in the heart of all who knew him and that the younger people were especially fond of Lonnie C. Fuller and did not hesitate to go to him with their problems.

The Senate further recognizes that Lonnie C. Fuller had a happy faculty of doing a maximum of good with a minimum of publicity—and

That all in all, he was a great and good man, loyal and true to his family and friends, loved and respected by all from every walk of life who knew him.

To his wife, Amelia Smith Fuller, and his two children, son, Alfred S. Fuller, and daughter, Miss Lady Myra Fuller, the Senate of Texas extends its most sincere sympathy; and, now, therefore, be it finally

Resolved, That a copy of this resolution be sent to each member of his family; and that when the Senate adjourns today it do so in honor of our beloved departed friend, Lonnie C. Fuller.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**

**W. J. Townsend**

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Senator Lock offered the following resolution:

(Senate Resolution 239)

Whereas, In the passing of W. J. Townsend on November 25, 1956, the people of Angelina County and Texas lost one of their most honored and respected citizens; and

Whereas, W. J. Townsend, born in Angelina County on August 28, 1876, was a devoted public servant, having served as County Attorney and County Judge of Angelina County, Chairman of the State Liquor Control Board, and a Member of the Texas Senate; and

Whereas, His passing is mourned not only by his family but by the entire community and state; now, therefore, be it

Resolved by the Senate of the State of Texas, That tribute be paid to a Texan whose life's work benefited not only his native city but his county and state as well; and be it further

Resolved, That the sincere sympathy of the Members of the Senate of the State of Texas be extended to his family and that copies of this resolution be sent to his wife, Mrs. Joyce Townsend, and to other members of his family as a token of our respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.